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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,766	05/05/2006	Philippe Chantrel	003D.0057.U1(US)	4746
29683 7590 03/06/2008 HARRINGTON & SMITH, PC 4 RESEARCH DRIVE SHELTON, CT 06484-6212				
EXAMINER				
SAUTHER, FLEMING				
ART UNIT		PAPER NUMBER		
3677				
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03/06/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/528,766

Applicant(s)

CHANTREL ET AL.

Examiner

Flemming Saether

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is generally unclear if applicant intends to claim the fastener as appears to be indicated by the preamble or its combination as a buss bar as may be intended by claimed limitation of the contact device and/or connector. More specifically, in claim 1, line 1 the limitation "to be mounted" does not require that it is mounted also the "means" lacks a function and it unclear what it refers to. The claims were examined as both ways but, as best understood the claims appear intended to be directed to the fastener since the buss device was known from the prior art. Therefore, claims 6 and 7 would be further indefinite in that they do not further limit the fastener.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakamura (US 6,264,412). Nakamura discloses a fastening device (see Fig. 2) comprising a sleeve (13) having a thin collar (17) forming a shoulder engaging a first

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end of a plate (11) and a ring (15) mounted on the sleeve (at 18) engaging the second side of the plate wherein the sleeve and ring are held in contact with a tightening means (21) connected to a connector (23) which engages a stop (14a) within a recess in the sleeve.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over applicants admitted prior art (the APA) in view of Nakamura. The APA discloses a buss bar system including a contact device, a conductor and a fastening device but, does not disclose the fastening device as claimed. Nakamura discloses a fastening device (see Fig. 2) comprising a sleeve (13) having a thin collar (17) forming a shoulder engaging a first end of a plate (11) and a ring (15) mounted on the sleeve (at 18) engaging the second side of the plate wherein the sleeve and ring are held in contact with a tightening means (21) connected to a connector (23) which engages a stop (14a) within a recess in the sleeve. At the time the invention was made, it would have been obvious for one of ordinary skill in the art to replace the fastener of the APA with one as disclosed in Nakamura because the device of Nakamura provides a secure fastening

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which does not apply a crushing force to the attached plate while still maintaining contact.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura or the APA as modified by Nakamura as applied to claims 1 and 3 above, and further in view of Bramlet (US 5,827,285). Bramlet discloses a fastening device including a retaining piece (50). At the time the invention was made, it would have been obvious for one of ordinary skill in the art provide the device of Nakamura with a retaining piece as disclose in Bramlet so as to prevent the tightening means from becoming loose.

Response to Remarks

After consideration of applicants' remarks the rejection remains largely unchanged.

The claims continue to be rejected under section 112 second because the meets and bound of the claims is unclear. Generally it is unclear what applicant intends to be inclusive of the claims. Does applicant intended to limit the claims to only the fastening and contact device or that in combination with the conductor? "[T]o be mounted" does not require the conductor but, the body of the claim included limitations such as the "a sleeve inserted in to the opening" which requires the combination and as such contradicts the preamble.

Applicants argue that the claims define over Nakamura because the instant invention concerns an electrical device while Nakamura does not have any link to the subject of the instant invention. In response, and without agreeing, the argument is irrelevant because the claims do not require an electrical device. There is nothing in the claims where require an electrical device; while is unclear if the "conductor" is intended to be claimed, even a "conductor" does not require it to be an electrical conductor. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicants argue that Bramlet also does not disclose an electrical device. In response, Bramlet is not relied upon for an electrical device.

Also in regards to Bramlet, applicants argue that there would be no reason to combine Nakamura and Bramlet because Bramlet is a medical device. In response, the examiner disagrees because there is no requirement that for a combination the references be from the same field of endeavor. It is obvious to combine prior art elements according to known methods to yield predictable results. See MPEP 2143.

Applicants argue that the examiner does not indicate where the admitted prior art (APA) used in the rejection can be found. In response, applicant attention is directed to

the pages 1 and 2 of the specification including the document FR-A-2,784,241.

Alternatively, the examiner will make a request under 37 CFR 1.105 for information known in the preparation of the invention by any of the inventors or assignees.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Flemming Saether whose telephone number is 571-272-7071. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Flemming Saether
Primary Examiner
Art Unit 3677

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Primary Examiner, Art Unit 3677